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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,331	11/23/2001	Benoist Sebire	017.40863X00	2285
20457	7590	09/14/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,331

Applicant(s)

SEBIRE, BENOIST

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The following is in response to the amendments filed on 07/28/2005.

Claims 1-20 were canceled. Claims 21-35 are pending in the instant application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnarajah et al (US 2003/0081592), hereinafter referred to as Krishnarajah in view of Larzon et al (UDP Lite for Real Time Multimedia Application), hereinafter referred to as Larzon.

Re claims 21-23, Krishnarajah discloses identifying a first part of a packet and a second part of the payload of said packet; classifying one of said first part as being more important and classifying said second part as being less important; and transmitting said more important part of said packet on a different bearer than said less important part of said packet (paragraph [0036-0038]). Krishnarajah fails to expressly disclose wherein said classifying is based on data in a checksum coverage field of said UDP packet.

However, Larzon discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, *the coverage field specifies how many bytes, starting from the first byte of the UDP Lite header, are sensitive*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnarajah to get the benefit of Larson to divide UDP packet into sensitive and insensitive parts based on coverage field to provide better service of real time multimedia application.

Re claim 24, Krishnarajah discloses transmitting more important part using stronger error protection scheme (channel coding) than error protection scheme (channel coding) for said less important part (paragraph [0036-00382]).

Re claims 25 and 26, Krishnarajah discloses receiving said packet from a multimedia network at a UMTS system (paragraph [0032]).

Re claim 27, Krishnarajah discloses transmitting said first and second part of the packet over a radio access network to a mobile terminal (paragraph [0049]-[0054]).

Re claims 28-30, Krishnarajah discloses identifying a first part of a packet and a second part of the payload of said packet; classifying one of said first part as being more important and classifying said second part as being less important; and transmitting said first part using a first type of error protection scheme (channel coding), and transmitting said second part comprises transmitting said second part using a second type of error protection scheme (channel coding), said first type of error protection scheme (channel coding) being greater than said second type of error protection scheme (channel coding, paragraph [0036-0038]). Krishnarajah fails to expressly disclose wherein said classifying

is based on data in a checksum coverage field of said UDP packet. However, Larzon discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, Basic Design). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnarajah to get the benefit of Larson to divide UDP packet into sensitive and insensitive parts based on coverage field to provide better service of real time multimedia application.

Re claim 31, Krishnarajah discloses receiving said packet from a multimedia network (paragraph [0032]).

Re claims 32 and 35, Krishnarajah discloses an apparatus to communicate a packet, said apparatus including structure to identify a first part of said packet and a second part of said packet, and structure to transmit said first part of said packet across a radio access network using a first radio bearer and to transmit said second part of said packet across said radio access network using a second radio bearer (paragraph [0036-0038J]). Krishnarajah fails to expressly disclose wherein said classifying is based on data in a checksum coverage field of said UDP packet. However, Larzon discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, Basic Design). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnarajah to get the benefit of Larson to divide UDP packet into sensitive and insensitive parts based on coverage field to provide better service of real time multimedia application.

Re claim 33, Krishnarajah discloses wherein said structure is provided in a mobile terminal (paragraph [0049]).

Re claim 34, Krishnarajah discloses wherein said structure is provided in said radio access network so as to transmit said first part and said second part to a mobile terminal (paragraph ([0049])).

Response to Arguments

4. Applicant's arguments with respect to claims 21-35 have been fully considered but they are not persuasive.

On pages 8 and 9 the Applicant argues that Larson does not disclose classifying/identifying a part as being more important based on data in a checksum coverage field of the packet. The Examiner respectfully disagrees. Larson clearly discloses dividing UDP packet into sensitive and insensitive parts based on coverage field (section 2. 1, *the coverage field specifies how many bytes, starting from the first byte of the UDP Lite header, are sensitive*). The Applicant further argues there is no apparent suggestion that would have lead one of ordinary skill to combine Larson's sensitive/insensitive part of a packet with Krishnarajah's methodology of dividing payload information into one or more fragments. The Examiner respectfully disagrees. The motivation is to provide better service for real time multimedia applications without losing sensitive or important data packets by dividing UDP packet into sensitive and insensitive parts based on coverage field since Krishnarajah's system requires to transmit the first part and second part of data packet with different error protection schemes.

Therefore, the Examiner concludes that the rejection of claims stands.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hong Cho
Patent Examiner
09/08/2005


JOHN PEZZLO
PRIMARY EXAMINER